

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

GARDNER, ROBERT,

Plaintiff,

Case No. 1:12-cv-01018

v.

Hon. Joseph G. Scoville
Magistrate Judge

BOARD OF TRUSTEES OF
MICHIGAN STATE UNIVERSITY,
and LOU ANNA K. SIMON,

Defendants.

Robert Gardner
Pro Se
1625 Groverburg Rd.
Holt, MI 48842

Michael J. Kiley (P26387)
Attorney for Defendants
426 Auditorium Rd., Room 494
East Lansing, MI 48824
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**DEFENDANTS' MEMORANDUM REGARDING PLAINTIFF'S
MOTION TO COMPEL COMPLIANCE WITH SUBPOENA
OF NONPARTY THE BUREAU OF INDIAN AFFAIRS**

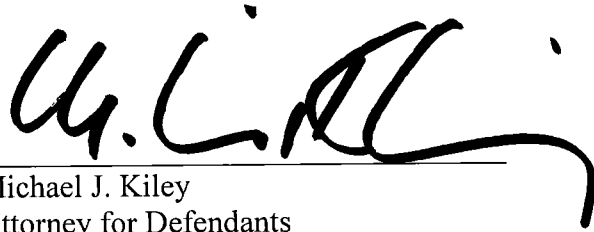
In the introductory paragraph to his Memorandum supporting Plaintiff's Motion to Compel Compliance with Subpoena *Duces Tecum* directed at the Bureau of Indian Affairs (ECF 29), styled as "The Overall Claim", Plaintiff states:

Plaintiff alleges [Defendants] also interfered with a research contract he and his MSU Ph.D. supervising professor, James Oehmke, had with the Pokagon Tribe and Bureau of Indian Affairs that was to enhance [Plaintiff's] Ph.D. endeavors and help the Pokagon people.

Memorandum, p. 1 (ECF 30). Plaintiff did not produce any such contract in his response to Defendants' document discovery requests. Former faculty member James Oehmke retired from Michigan State University ("MSU") years ago. Affidavit of Steven D. Hanson, Ph.D., Exhibit 1. Dr. Oehmke is not supervising any MSU doctoral committee, nor signing contracts for MSU. *Id.* Plaintiff last engaged in doctoral studies in MSU's Department of Agricultural Economics, now the Department of Agriculture, Food and Resources Economics, in 1998. *Id.*

Plaintiff ought not be granted judicial aid when the predicate for his request entails self-aggrandizing misstatements that are not reasonably taken to be accidental in character.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. J. Kiley", written over a horizontal line.

Michael J. Kiley
Attorney for Defendants

Dated: May 1, 2013

AFFIDAVIT OF STEVEN D. HANSON, PH.D.

Steven D. Hanson, Ph.D., first duly sworn, states as follows:

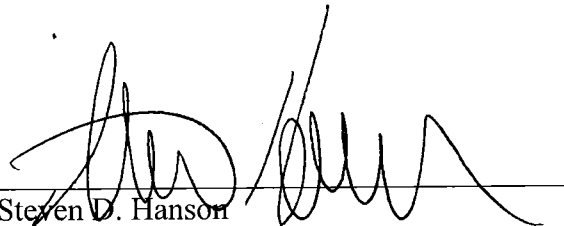
1. I reside in Clinton County, Michigan, and I am a faculty member at Michigan State University where I serve as Chairperson of the Department of Agricultural, Food and Economic Resources, formerly the Department of Agricultural Economics, within MSU's College of Agriculture and Natural Resources.

2. Robert Gardner was a graduate student in the department until his participation was terminated in 1998, and he has not been readmitted to graduate study in the department.

3. James Oehmke, Ph.D., was a faculty member with an appointment in my department; he applied for retirement in December, 2007 and his active faculty status within the department ended in 2008.

4. Individual faculty are not authorized to enter into contracts on MSU's behalf.

5. These statements are true, based on my personal knowledge and belief, and I am competent to so testify in a court of law.


Steven D. Hanson

Signed and subscribed to before
me this 1st day of May, 2013.



Michael J. Kiley

Notary Public, Ingham County

My commission expires: November 22, 2014